

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARK ULIANO  
Plaintiff

v.

KENNETH TILDEN,  
MARIE H. BISSELL  
Defendants

CIVIL ACTION NO. 04-CV-10797 GAO

**MEMORANDUM IN SUPPORT OF MOTION OF  
SOCIETE DE L'ASSURANCE AUTOMOBILE  
DU QUEBEC TO INTERVENE PURSUANT TO F.R.C.P., RULE 24**

The Societe de l'assurance automobile du Quebec (Societe) hereby requests that the Court allow it to intervene as a plaintiff in this action. As grounds therefore the Societe would state that it is a agency created by statute in the province of Quebec, Canada. Its purpose is to administer the no-fault automobile liability insurance system which has been created there.

In Quebec actions for bodily injury arising from the negligent operation of a motor vehicle have been prohibited by statute. A Quebec citizen who is injured anywhere or a foreign citizen who is injured in Quebec can only look for redress for their injuries to the no-fault compensation system administered by the Societe. The victim will be able to have their medical bills paid, will receive compensation for lost wages and may receive a relatively small amount for their pain and suffering, regardless of fault.

In the event that a Quebec citizen is injured in a foreign jurisdiction which allows for tort compensation, Section 83.60 of the Automobile Act of Quebec provides that:

Where the Société compensates a person by reason of an accident that occurred outside Québec, it is subrogated to the person's rights and is entitled to recover the indemnities and the capital representing the pensions the Société is required to pay from any person not residing in Québec who, under the law of the place where the action occurred, is responsible for the accident and from any person liable through compensation for bodily injury caused in the accident by such non resident.

The plaintiff in this action, Mark Uliano, a citizen of Quebec was injured in an automobile accident in Canton, Massachusetts. As a result of this accident the Societe paid to various medical providers or directly to Mr. Uliano the sum of \$33,813.06 in Canadian Dollars. The aforementioned statute provides that the Societe is entitled to recover these monies if the defendant is determined to be found liable.

The Societe requests this right to intervene in this action in that this is the only vehicle which exists for it to recover any monies which may be available. With the filing of this action, it is precluded from commencing its own action against the defendant. Additionally, there are no provisions in Massachusetts for a statutory lien which the Societe may assert such as those afforded to domestic medical insurance providers.

Thus, the only manner in which the Societe may assert its right to receive compensation is through intervention in this action .

As further grounds the Societe would state that this Intervention does not prejudice or inconvenience the other parties to his action. The Complaint does not raise any new

issues which may have not been subject to any discovery which may have occurred. The Complaint mirrors plaintiff's action and seeks nothing more.

The Intervenor,  
By its attorney,



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Elton Watkins III  
225 Essex Street  
Lawrence, MA 01840  
978-686-9823  
B.B.O. #517400

September 14, 2004

### **CERTIFICATE OF SERVICE**

I, Elton Watkins III, attorney for the plaintiffs, hereby certify the copy of the hereto attached **MEMORANDUM IN SUPPORT OF MOTION OF SOCIETE DE L'ASSURANCE AUTOMOBILE DU QUEBEC TO INTERVENE PURSUANT TO F.R.C.P., RULE 24** this day has been served by first class mail upon the following:

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Elton Watkins III

September 14, 2004